

LAW OFFICES OF
DEWAYNE ZINKIN
5 RIVER PARK PLACE WEST, SUITE 203
FRESNO, CALIFORNIA 93720
Telephone: (559) 224-8100
Facsimile: (559) 224-8111

DEWAYNE ZINKIN
ATTORNEY AT LAW

RICHARD L. FAIRBANK
ASSOCIATE

July 25, 2012

Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

*Via U.S. Mail and Facsimile
(202) 219-3923*

Re: MUR 6606

I am an attorney, licensed to practice law in the state of California. I represent the following persons and entity: (1) DeWayne Zinkin, an individual; (2) DeWayne S. Zinkin, an individual who is the son of DeWayne Zinkin; and (3) Zinkin Entertainment, LLC. I am sending this letter and the enclosures in response to the letter from your office re: MUR 6606 which is stamped with the date of July 18, 2012, and was received by our offices on or about July 23, 2012.

Zinkin Entertainment, LLC, is a limited liability company that was formed under the laws of the state of California. You will find enclosed a copy of the Articles of Organization filed with the office of the Secretary of State of California on December 3, 2001. This is a single member LLC and the sole member is DeWayne S. Zinkin. The Articles of Organization were executed by DeWayne S. Zinkin, but inadvertently a Jr. was placed after his name. Actually, his correct name is DeWayne S. Zinkin. He is not technically a Jr. because his name is not the same as his father's. His father's name is DeWayne Zinkin, with no middle name or initial, whereas the son's name is DeWayne S. Zinkin. The two are not the same person. Sometimes, DeWayne S. Zinkin is known or referred to as DeWayne Zinkin, Jr., but in reality his correct name is simply DeWayne S. Zinkin.

I have attached to this letter a statement of designation of counsel executed by DeWayne Zinkin, one executed by DeWayne S. Zinkin, individually, and one executed by DeWayne S. Zinkin in his capacity as the member of Zinkin entertainment, LLC.

The purpose of this letter and the enclosures is to respond to the letter from your office as well as the complaint in MUR 6606. However, I must point out that the allegations in the complaint are difficult to understand, so if the information contained in this response is not adequate, I hereby request further notice and opportunity to respond. The letter from your office stamped July 18, 2012, in MUR 6606, states that DeWayne S. Zinkin, as agent of Zinkin Entertainment, LLC, has an opportunity to

RECEIVED
FEDERAL ELECTION
COMMISSION
2012 AUG -6 AM 8:28
OFFICE OF LEGAL
COUNSEL

140474MUR-110

demonstrate in writing that no action should be taken against Zinkin Entertainment, LLC. I assume from that statement that there is no contemplated action against Mr. DeWayne S. Zinkin, individually. I suspect that the complainant is confusing DeWayne S. Zinkin with DeWayne Zinkin and is of the impression that they are one in the same person, when in fact they are two distinct individuals; father and son.

In Complaint 6606 it states in "A. Facts" as follows: "A \$2500 contribution by Zinkin Entertainment, LLC for the primary election was attributed to DeWayne Zinkin (line 11a, pg 97). However, DeWayne Zinkin also made an individual contribution of \$2500 for the primary election (Line 11 a, pg 96). Zinkin Entertainment, LLC's \$2500 general election contribution was also attributed to DeWayne Zinkin (Line 11a, pg 98)." Under "B. Legal Analysis, It is stated: ". . .it is illegal for any person, including partnerships, to contribute. . .contributions to candidates in excess of \$2500 per election. This limit applies both to a partner's contribution from personal funds and from his profits from a partnership or LLC."

I am enclosing with this letter, a copy of the responses that were made on behalf of the persons and entity mentioned herein above to MUR 6752. Those enclosed responses clearly illustrate (as does the Articles of Organization referred to herein above) that it is DeWayne S. Zinkin (the son) and not DeWayne Zinkin (the father) that is the agent and member of Zinkin Entertainment. In those responses (which are repeated in the statements attached hereto) DeWayne Zinkin (the father) made a statement that he contributed the sum of \$2500 to Tarkanian for Congress but that he had made no other contributions. There was also a statement from DeWayne S. Zinkin (the son and member of Zinkin Entertainment) that while Zinkin Entertainment made a contribution to Tarkanian for Congress of \$2500 for the primary election and also \$2500 for the general election, that DeWayne S. Zinkin did not make any personal contribution. The basis of the Complaint in MUR 6606 appears to be based upon the assumption that the member of Zinkin entertainment made a personal contribution in addition to a contribution made by Zinkin Entertainment, and that is a false assumption. As stated above, and as stated in the attached statements from DeWayne Zinkin and DeWayne S. Zinkin, it is DeWayne S. Zinkin that is the member of Zinkin Entertainment, not his father DeWayne Zinkin, and that while Zinkin Entertainment made contributions, there were no contributions made by DeWayne S. Zinkin, the member of Zinkin entertainment. Therefore, there is no factual basis for the allegation that there has been any violation of the Act by either Mr. DeWayne Zinkin, Mr. DeWayne S. Zinkin, nor by Zinkin Entertainment, LLC.

I suspect that the complainant was confused by the similarity of the names between father and son. However, I believe that was clarified in response to MUR 6752. If not, it certainly should be clear as a result of the information provided in this letter and the attachments. I trust that this will resolve the matter without any further involvement by any of my clients. If however, you believe that further information or clarification is necessary, I respectfully request notice of that, and further request that an extension of time be granted to provide such other information as may be required. As you can determine, it is absolutely denied that any of my clients identified herein has committed any action in violation of the Act, or any other statute, code, enactment or regulation. I would appreciate notice that this matter and also the matter set forth in MUR 6752 are being dismissed and that no further action is necessary on behalf of any of my clients.

Thank you for your time and consideration of this matter I look forward to hearing from you at your earliest convenience.

Sincerely

A handwritten signature in black ink, appearing to read 'Richard Fairbank', written over a horizontal line.

Richard Fairbank

Attorney at Law

140444360121